

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
TEXAS FILED

FEB 17 2011

CLERK, U.S. DISTRICT COURT  
By *JK* Deputy *8:00 AM*

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

RONALD C. PEARSON,  
Defendant-Movant.

Case No.: 3:06-CR-369-0(1)

DEFENDANT'S SECOND VERIFIED MOTION AND REQUEST FOR  
MODIFICATION OF SENTENCE INCLUDING TERMS OF SUPERVISED RELEASE

TO THE HONORABLE REED O'CONNOR, DISTRICT JUDGE:

COMES NOW Ronald C. Pearson, Defendant in the above captioned cause and, moving pro se, requests the District Court, pursuant to both 18 U.S.C. § 3583(e)(2) and Fed.R.Crim.P., Rule 32.1(c)(1), to modify his sentence and also reduce the length, terms, and conditions of supervised release currently in effect in his case. As justification for the Court's exercise of discretion, Defendant-Movant will show the Court:

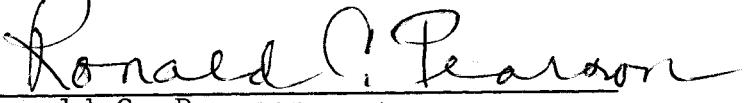
- 1) That judgment in criminal case 3:06-CR-369-0(1) was imposed on December 20, 2007 and Defendant was sentenced to 70 months incarceration and lifetime supervision for violation of 18 U.S.C. § 2252A(a)(2), Receipt of Child Pornography Through Interstate and Foreign Commerce.

- 2) As part of the sentence, the Court also ordered lifetime standard and additional conditions of supervised release.
- 3) That the sentence, including both terms of actual incarceration and stated standard and additional conditions of supervised release is violative of the Rule of Parsimony and works a significant national disparity when compared to the sentences of other similarly situated defendants envincing comparable conduct.
- 4) That the additional conditions of supervision levied upon Pearson are vague, arbitrary and overbroad in their application to the Defendant's facts and circumstances and thus are Constitutionally impermissible.
- 5) That the imposed conditions of supervised release conflict with the Defendant's legitimate liberty interests and are based on an invalid assumption as to the risk of recidivism in this case and as to sex offenders generally.
- 6) That the sentence, including length, lifetime terms and conditions of supervised release stand as an abuse of discretion by the sentencing Court, as the § 3553(a) factors were not properly considered in this individual case.
- 7) That the length, number and content of additional conditions of supervised release are demonstrably more severe than are actually necessary to achieve the articulated goals specified in 18 U.S.C. § 3553(a).

- 8) That Defendant Pearson respectfully moves the Court to reduce by deletion or modify supervised release condition 4 as to registration and standard conditions 1 and 13 as discussed in the accompanying Memorandum of Law.
- 9) That Defendant Pearson respectfully moves the Court to reduce by deletion or modify special conditions 1, 2, 3, 4, 5, 8, and 9 as discussed in the accompanying Memorandum of Law.
- 10) The Defendant is aware of recent decisions affecting the degree of deference due sex offender sentencing guidelines. These decisions, together with changes in the application of sentencing law procedure generally, impact sex offenders nationally and this Defendant particularly.
- 11) That the Defendant tenders this motion in the utmost good faith in order to obtain the Court's learned guidance as to the Defendant's responsibilities upon release from incarceration.

WHEREFORE, Defendant-Movant Pearson respectfully requests that the sentencing Court exercise its inherent discretionary powers, grant a hearing pursuant to Fed.R.Crim.P., Rule 32.1(c)(1), review its previous sentencing order, modify the period, terms and conditions of his executed sentence including general, standard, and special terms of supervised release.

Respectfully submitted,

  
Ronald C. Pearson  
Ronald C. Pearson  
Reg. No. 36037-177  
F.C.I. Seagoville  
P.O. Box 9000  
Seagoville, Texas 75159-9000

CERTIFICATE (PROOF) OF SERVICE

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, I placed the original and suitable copies of the Movant's "Defendant's Second Verified Motion and Request for Modification of Sentence Including Terms of Supervised Release" in the prison mailbox, first class postage pre-paid, and addressed to:

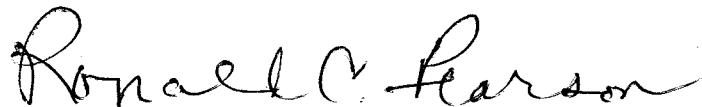
One (1) original and two (2) copies to:

Clerk, U.S. District Court  
Northern District of Texas  
Earl Cabell Federal Building  
1100 Commerce Street  
Dallas, Texas 75242

AND

One (1) copy to:

U.S. Attorney's Office  
Earl Cabell Federal Building  
1100 Commerce Street  
Dallas, Texas 75242

  
\_\_\_\_\_  
Ronald C. Pearson